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EXAMINER

KARMIS, STEFANOS

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/544,150
Filing Date: April 06, 2000
Appellant(s): PINGA ET AL.

Stephen J. Holmes, Esq.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01 May 2006 appealing from the Office action mailed
06 August 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

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The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Foodman et al. (hereinafter Foodman) U.S. Patent 6,547,131 B1 in view of Hardesty et al. (hereinafter Hardesty) U.S. Patent 6,105,865. This rejection is set forth in a prior Office Action, mailed on 06 August 2004 shown below.

Regarding independent claim 1, Foodman teaches a computer-implemented method for a Casino patron betting and rating program, comprising: establishing a casino account via a computer processor, said account for the benefit of a casino patron; making a deposit into said casino account; associating the casino account with a financial account of a casino patron; redeeming said deposits from casino account; and transferring said redeemed deposits into said financial account (column 9, line 39 thru column 10, line 65). Foodman further teaches that casino issued cards are used for tracking by the casino and to provide frequent playing awards based on the number of plays (column 10, lines 47-51). Continuing, the financial accounts taught by Foodman are remote fund repositories, such as any card issuing institution, business or organization where the player has an account (column 7, lines 12-20). Foodman fails to teach

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that the financial accounts at the casino and at the designated financial institution are investment accounts.

Hardesty teaches a method for funding an investment account comprising a retirement credit card sponsored by a financial institution for use at casinos. By accepting the card in exchange for casino credits, the cardholder receives a percentage rebate to a retirement trust account. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention, to modify the teachings of Foodman and to allow for the financial accounts to be investment accounts as taught by Hardesty because it provides a type of award incentive which are commonly used by casinos for loyalty. Further, the retirement card operates in the same manner as a credit or debit card as called for in the Foodman system, and therefore the process of utilizing the card in connection with casino gaming equipment is already established and requires the same information for regular financial accounts as well as investment accounts. There is sufficient motivation to combine references, since both Foodman and Hardesty teach financial accounts in operation with casino gambling.

Claim 2, Foodman teaches making a deposit comprises the step of depositing cash into casino account (column 10, lines 1-18).

Claims 3 and 11-13, Hardesty teaches establishing a formula for calculating investment rating points to be awarded to a patron during game play; calculating said investment rating points according to said formula during patron game play; and issuing said calculated investment rating points to said casino account wherein said investment rating points are redeemable on a

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monetary basis by the patron for transfer into said financial investment account (column 5, lines 42-67).

Claim 4, Foodman teaches issuing said patron an investment rating card that is associated with an casino account of said patron (column 10, lines 28-50).

Claims 5 and 14-16, Hardesty teaches establishing a casino system of investment betting chips; exchanging money for investment betting chips, placing bets with investment betting chips and redeeming investment betting chips for deposit on a monetary basis into casino investment account (column 5, lines 27-41).

Claim 6 and 17-19, Hardesty teaches establishing a conventional rating account for the benefit of said casino patron; establishing a formula for calculating conventional rating points to be awarded to a patron during game play; calculating said conventional rating pints according to said formula during patron game play; issuing said calculated conventional rating points to said conventional rating account; redeeming at least a portion of said conventional rating points on a predetermined monetary basis for transfer into said investment account (column 5, lines 27-67).

Claims 7-10, Hardesty teaches depositing cash into a casino account (column 5, lines 27-41).

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Claim 20 and 21, Hardesty teaches a casino account operated and maintained by the casino. Foodman fails to teach that an investment account is owned and operated by a financial institution. Official Notice is taken that providing an account operated by a financial institution is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Hardesty and have the casino manage the casino investment account because casinos often manage financial accounts relating to fund transfers with casino patrons.

Claims 22 and 23, Hardesty teaches a financial investment account operated and maintained by an independent financial institution. Hardesty fails to teach that the financial investment account is operated by a casino. Official Notice is taken that providing an account operated by a casino is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Hardesty and have the casino manage the financial investment account because casinos often manage financial accounts relating to fund transfers with casino patrons.

(10) Response to Argument

The Examiner summarizes the various points raised by the Appellant(s) and addresses replies individually.

Appellant asserts that the claimed invention is not taught by the combined teachings of Foodman and Hardesty. Appellant states that Foodman fails to teach a casino investment account and also that the combination of Foodman in view of Hardesty does not teach the

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concept of segregating a portion of the wagered funds or winnings and removing them from the reach of the game play patron to create a forced retirement savings vehicle and therefore only transferring money out of the casino, with no ability to bring money back into the casino.

In Response:

The issue here is whether the combination of Foodman and Hardesty teach establishing a casino investment account via a computer processor, for the benefit of a casino patron and whether the casino investment account is associated with a financial investment account of a casino patron whereupon redeemed deposits can be transferred to the financial investment account.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that certain teachings which Appellant points out are not in the claimed invention. For example, Appellant asserts that the instant application "process only serves to transfer money out of the casino, there is no ability to bring money into the casino from the investment account" (page 6, second paragraph) and then contrasts this to the manner in which Foodman transfers money into a casino. Appellant also states that the present invention is not related to or concerned with where the original play funds come from. Instead, "the concept is directed at taking a designated portion of the funds wagered and winnings and segregating them into a reserve account for the benefit of the patron and then transferring those funds into an investment vehicle on behalf of the patron" (page 7, second and third paragraphs). However, there is no teaching in the independent claims of only transferring money out of a

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casino or designating and segregating funds into a reserve account. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner addresses Appellant's argument that Foodman and Hardesty fail to teach establishing a casino investment account via a computer processor, for the benefit of a casino patron. Foodman teaches a preset amount electronic funds transfer system for gaming machines. These gaming machines accept any card issued by any institution where a player has an established account (column 7, lines 12-14). The account can be held at a financial institution and can be based on credit, barter, or any other form of agreed upon value (column 7, lines 15-19). Foodman teaches that a player inserts a credit or debit card into the machine and downloads funds into the machine through an EFT transaction (column 9, lines 12-57). In an alternate embodiment, a casino issued debit card representing a value of transferred funds is issued to the player and the player uses his or her debit card to transfer funds from his or her account at a financial institution to a casino account (in the player's name) (column 11, lines 46-67). Therefore, Foodman teaches that a player establishes a reserved, designated account for the benefit of a casino patron at a casino location.

Hardesty teaches issuing a Retirement Charge Card (RCC) (column 3, lines 52-64). A customer applies for the RCC through existing credit agencies and the RCC is issued by a bank or other organization (column 4, lines 65 thru column 5, line 5). Thereafter, the RCC is linked to a retirement (investment) account of the cardholder and is used at participating merchants; the participating merchants include casinos and purchasing casino credits in predetermined amounts

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(column 5, lines 30-41). Furthermore, Hardesty teaches that the RCC card can be issued by any organization (column 4, lines 65 thru column 5, line 5) and Foodman teaches that the casino issues cards (column 11, lines 46-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Foodman and Hardesty and provide that the RCC could be issued directly from the casino and be the account used for gambling because it established a customer relationship with the casino and Foodman and Hardesty teach conventional credit card networks for issuing and processing credit card transactions and the use of credit cards in casino transactions (Foodman, column 8, lines 38-56 and column 11, lines 46-67 and Hardesty, column 4, line 51 thru column 5, line 5).

Furthermore, Hardesty also teaches that such a system of using the RCC at merchants such as casinos increases customer loyalty (Abstract). Appellant's specification states among the objects of the present invention, is to provide a casino betting system that will increase casino patron loyalty (page 3, lines 10-11). Therefore, the combination of Foodman and Hardesty teaches establishing a casino investment account via a computer processor for the benefit of a casino patron consistent with the teachings of the claimed invention in the instant application.

The Examiner addresses Appellant's argument that Foodman and Hardesty fail to teach that the casino investment account is associated with a financial investment account of a casino patron whereupon redeemed deposits can be transferred to the financial investment account. It was established above that the combination of Foodman and Hardesty teach establishing an investment account at a casino for the benefit of the customer. Furthermore, Hardesty teaches using the RCC at a casino with the casino (merchant) processing the transaction and at the end of

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a business cycle the casino makes a deposit with their bank and receives their credit (column 5, lines 42-59). In addition, Hardesty teaches the bank transfers a predetermined percentage of the transaction (rebate) to a retirement trust account (column 5, lines 60-67 and column 4, lines 20-29). Applying the retirement trust account teachings to the investment account teachings, results in using the investment account at a casino and sending redeemed deposits to be transferred to the retirement trust (investment) account. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Foodman to include sending the funds to a retirement account because it is an account linked to a credit card and Foodman already teaches transferring the winnings of a casino patron from the casino account back to the credit or debit card of the player (column 10, lines 52-65). Therefore Foodman and Hardesty when combined, teach a computer implemented method for a casino patron betting, rating, and investment program, comprising: establishing a casino investment account via a computer processor for the benefit of a casino patron; making a deposit into said casino investment account; associating said casino investment account with a financial investment account of said casino patron; redeeming said deposits from said casino investment account; and transferring said redeemed deposits into said financial investment account.

The above responses to arguments apply to all pending claims since Appellant does not provide arguments why each of the claims is separately patentable and relies on arguments regarding the claims as a whole. The Examiner has properly answered all the arguments presented.

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(11) Related Proceeding(s) Appendix

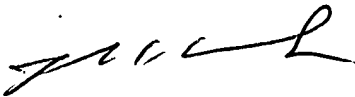
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
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Art Unit 3624
19 July 2006



Conferees:
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